UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

October 14, 2008

Reply to
Attn. of: ETPA-088 Ref: 08-053-NOA

D. Robert Lohn, Regional Administrator
NMFS/NOAA - Northwest Region
7600 Sand Point Way N.E., Bldg 1
Seattle, WA 98115-0070

Dear Mr. Lohn:

The U.S. Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (EIS) for **Proposed Acceptable Biological Catch and Optimum Yield Specifications and Management Measures for the 2009 - 2010 Pacific Coast Groundfish Fishery** in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions and the document's adequacy in meeting NEPA requirements.

The EIS evaluates two sets of alternatives under the Pacific Coast Groundfish Fishery Management Plan for 2009 and 2010 for seven fishery stocks. The first is the selection of Acceptable Biological Catch (ABCs) and Optimal Yields (OYs) for 2009 through 2010 that will form the basis for revisions to the rebuilding plans of the depleted species. The second set of alternatives is a range of rebuilding management measures for 2009 through 2010 that are consistent with the range of OYs considered. OYs are focused on depleted stocks because of the long-term implications for stock rebuilding and management measures that support the OY include cumulative landing limits for species, gear restrictions, time-area closures and total catch limits or bycatch caps.

The Preferred Alternative is based on the rebuilding strategy requirement to rebuild stocks in as short a time as possible as a result of the Ninth Circuit Court of Appeals opinion in *National Resources Defense Council, Inc. and Oceana, Inc. v. National Marine Fisheries Service, et al*. and Amendment 16-4 of the Fisheries Management Plan.. This strategy takes into account status and biology of stocks, fishing community needs, and interactions of depleted stocks within the ecosystem. We support the key management issue that preventing overfishing and rebuilding depleted stocks is a paramount concern. We support that the OYs consider ramp down OY for yelloweye rockfish and the extension and establishment of conservation areas.

We are assigning a rating of LO (Lack of Objections) to the draft EIS. We have some suggestions regarding data needs, target years, and possible educational opportunities for fishermen that we believe warrant consideration. These are discussed in more detail below.

We appreciate the discussion in the EIS regarding interconnections of species, the value of ecological structure of the marine environment and the relationship of developing alternatives

to balance the cumulative impacts of Tribal rights, fishery demands, and recreational activities. We believe that the alternatives were developed and the analysis was conducted based on the best available information through catch monitoring, vessel monitoring, stock assessments uncertainty and analysis of past management actions. The last two EISs and this EIS state that the research and data necessary to understand potential impacts to ecological structure are lacking for most ecosystems and therefore, there is no foundation to consider the consequences of historical overfishing, or alternative strategies in rebuilding depleted species, with respect to potential impacts to ecological integrity. We acknowledge that the closures and restrictions aim to rebuild stocks and we believe NOAA uses valuable research methods and high quality data. However, in order to fill the information gap, an expansion of the research network would be desirable, exploring other research opportunities or at least record recreational fisheries since that is the more difficult sector to predict in order to develop alternative strategies. We recommend that the EIS include a section of current research or opportunities to partner with agencies to holistically analyze fisheries.

The EIS lists target rebuilding years under the preferred alternative which remains the same or earlier for bocaccio, canary, Pacific ocean perch, widow, and yelloweye and higher for cowcod and darkblotched rockfish. We support adjusting these based on current information and making corrections from the previously set target years. The EIS forecasts a period greater than 75 years for yelloweye and, after recalculations, almost 65 years for cowcod to be rebuilt. We appreciate and acknowledge the difficult task of developing target years along with OYs, and recognize the daunting nature of rebuilding. We recommend that adaptive management be used to adjust management measures and potential use of combinations of OYs for depleted species to explore differential effects on fishery sectors when possible.

The EIS discusses requirements on trawl gear to reduce bycatch and the impact to rocky habitat. We support these measures and suggest providing other niche market information to fishermen such as hook and line, which is sold for a higher price because of market for lower impact caught fish. We support providing training opportunities to fishermen when new gear is developed or new requirements are imposed. We also suggest a potential incentive program for recreational fishermen so that they may keep more accurate records of their catches and assist in gathering data for future analyses.

Thank you for the opportunity to review this draft EIS. If you would like to discuss these issues, please contact Lynne McWhorter at (206) 553-6382.

Sincerely,

/s/

Christine Reichgott, Manager
NEPA Review Unit